

AMENDED IN SENATE JULY 9, 2007  
AMENDED IN ASSEMBLY MARCH 28, 2007  
CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 996**

**Introduced by Assembly Member Spitzer**  
(Coauthors: Senators Battin and Cox)

February 22, 2007

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An act to add Section 3044 to the Penal Code, relating to parole.

### LEGISLATIVE COUNSEL'S DIGEST

AB 996, as amended, Spitzer. Parole hearings: victim testimony.

Existing law requires the Board of Parole Hearings to hold regular hearings to determine a prisoner's suitability for parole. Upon request, the board is required to send a notice of a scheduled hearing to the victim or next of kin, at least 30 days before the hearing. The victim or next of kin, or a representative, as specified, has the right to appear at the hearing and to make a statement.

This bill would provide that if a victim, ~~victim~~ *victim's* representative, or next of kin appears for a duly noticed, scheduled parole hearing, and that hearing is postponed at the request of the prisoner or prisoner's attorney, the board shall allow the victim, ~~victim~~ *victim's* representative, or next of kin to ~~place his or her testimony on the record, to be preserved for introduction into the record when the parole hearing is subsequently held~~ *make his or her statement at the time the postponement is granted, in accordance with certain procedures.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 3044 is added to the Penal Code, to read:*

2     3044. (a) *If a victim, victim's representative, or next of kin*  
3 *appears for a duly noticed, scheduled parole hearing, and that*  
4 *hearing is postponed at the request of the prisoner or prisoner's*  
5 *attorney, the board shall allow the victim, victim's representative,*  
6 *or next of kin to make his or her statement at the time the*  
7 *postponement is granted. If the victim, victim's representative, or*  
8 *next of kin makes the statement directly and in person to the board*  
9 *on the date the postponement is granted, the statement shall be in*  
10 *lieu of any other statement presented at the time the postponed*  
11 *hearing is held.*

12     (b) *If, on the day the hearing is postponed, the victim, victim's*  
13 *representative, or next of kin does not make a statement directly*  
14 *and in person to the board, he or she may make a statement in*  
15 *writing or in any other medium. This statement shall be recorded*  
16 *and preserved for introduction into the record when the parole*  
17 *hearing is subsequently held. The statement shall not be read,*  
18 *heard, or viewed by the board prior to the hearing. At the time the*  
19 *hearing is held, if the victim, victim's representative, or next of*  
20 *kin attends the hearing in person, he or she may make an oral*  
21 *statement directly to the board. If the statement is made to the*  
22 *board in person, a previously recorded and preserved statement*  
23 *shall not be introduced into the record or otherwise considered*  
24 *by the board.*

25     ~~SECTION 1. Section 3044 is added to the Penal Code, to read:~~

26     ~~3044. If a victim, victim representative, or next of kin appears~~  
27 ~~for a duly noticed, scheduled parole hearing, and that hearing is~~  
28 ~~postponed at the request of the prisoner or prisoner's attorney, the~~  
29 ~~board shall allow the victim, victim representative, or next of kin~~  
30 ~~to place his or her testimony on the record, to be preserved for~~  
31 ~~introduction into the record when the parole hearing is subsequently~~  
32 ~~held.~~